

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, : Case No. 3:07-cr-172
: Plaintiff, :
vs. : Judge Timothy S. Black
: STEPHON FELTON, :
: Defendant :
:

ORDER GRANTING DEFENDANT'S MOTION TO REDUCE SENTENCE (Doc. 71)

This case is before the Court on Defendant Stephon Felton's unopposed motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) (Doc. 71).

October 14, 2008, the Defendant was sentenced for his conviction for possession with intent to distribute cocaine base (Count 2). The 2008 edition of the United States Sentencing Guidelines recommended a sentence of 168 to 210 months imprisonment, and Defendant was sentenced to 144 months imprisonment as a result of a downward variance.

The Fair Sentencing Act crack reduction guidelines took effect on November 1, 2010 and altered the crack cocaine guidelines found in U.S.S.G. § 2D1.1 to an 18:1 ratio. On June 30, 2011, the United States Sentencing Commission promulgated Guideline Amendment 750 and authorized the retroactive application of the changes to § 2D1.1 to all defendants currently serving crack sentences who met certain criteria. Counsel for the Defendant, counsel for the United States, and representatives of the United States Probation Office all agree that Defendant meets these eligibility requirements. (Doc. 71 at 2).

After the November 1, 2010 crack amendment is retroactively applied, Defendant's advisory sentencing range is 140 to 175 months.¹ Based on this calculation, the parties jointly recommend that the Court reduce Defendant's sentence to 140 months. (Doc. 71 at 2).

For good cause shown and the reasons stated herein, Defendant's Motion to Reduce Sentence (Doc. 71) is **GRANTED**. Defendant's sentence shall be reduced to 140 months.

IT IS SO ORDERED.

Date: 3/20/12

Timothy S. Black
Timothy S. Black
United States District Judge

¹ Defendant's 2008 guidelines range arose from a criminal history category V and an offense level of 31, as determined by the quantity of crack cocaine for which he was held accountable. Under the revised guidelines, Defendant's base offense level is 29 for the same quantity of crack cocaine.